

USER'S GUIDE

Conditional Uses

- **What is a Conditional Use?**

A conditional use is a use with some special impact or uniqueness that warrants its review on an individual basis to make sure it is compatible with the surrounding area. Chapter 17 of the Zoning Resolution contains a chart identifying conditional uses, the zoning districts in which they may be located, and the specific criteria each individual use must meet. Signage that may be approved as a part of a conditional use is contained within Chapter 13.

- **What are the criteria for the evaluation of a Conditional Use?**

All zone district regulations, including landscape and buffering requirements, must be followed for a conditional use unless they are overridden by specific criteria as listed in Chapter 17. Additionally, there are four general standards considered by the Board and applicable to all conditional uses:

- a) compliance with the spirit and intent of the Zoning Resolution and the zone district;
- b) determination that the proposed use will not have an adverse effect on adjacent property or the public health, safety, morals, and general welfare;
- c) protection of natural, scenic, and historic features to the greatest extent practicable; and
- d) consistency with adopted plans.

- **How do I apply for a Conditional Use Zoning Certificate?**

An application for conditional use zoning certificate shall be accompanied by site plans, structural details and additional information as outlined in the attached checklist. The completed application packet and application fee shall be filed directly with the Board of Zoning Appeals. You may schedule an appointment with the Administrator of the Board if you have questions or wish to further discuss details of a case prior to submission. *Requests for variance of a yard, bulk or parking standard must be clearly stated in the letter of application as submitted to the Board.*

- **Processing Procedures for a Conditional Use:**

Minimum processing time for a Conditional Use Zoning Certificate is 62 days.

1. Within 5 days after filing a complete application, the BZA Administrator sets a public hearing for between 30 and 62 days from that date.
2. A copy of the application is transmitted to the Regional Planning Commission for staff review and recommendation.
3. Within 20 days after filing a complete application, a staff report with a recommendation is sent to the BZA.
4. The BZA Administrator sends notice of the public hearing at least 10 days prior to such hearing to the applicant, Township and property owners within 200 ft. A legal advertisement is published in a local county newspaper.
5. BZA takes action within 21 days after public hearing.
6. If the application is approved:
 - a) Applicant must apply to the Rural Zoning Commission for a Zoning Certificate. Upon issuance, the Conditional Use Zoning Certificate is valid for a period no longer than one year unless a building permit has been issued or BZA has granted a time extension.
 - b) Applicant applies to the Building Department for a Building Permit.
7. When the development is complete:
 - a) Applicant must call for a final zoning inspection or when necessary, file an affidavit of compliance with required conditions when the development is completed
 - b) A Final Zoning Inspection Certificate will be issued

HAMILTON COUNTY BOARD OF ZONING APPEALS

County Administration Building
138 E. Court Street, Room 804
Cincinnati, Ohio 45202
513-946-4502

CHECKLIST FOR FILING A CONDITIONAL USE APPLICATION

Applications for a conditional use shall be **filed in person** with the Board of Zoning Appeals. A legal notice will be prepared by the Board of Zoning Appeals and placed in a newspaper of general circulation in the county two weeks prior to the public hearing. *The applicant will receive the bill for said legal notice.* The Board will also prepare, for the applicant, a typewritten list of names and complete addresses of the property owners of all lots and lands located within 200' of the property requesting the appeal. Said list will be prepared from the County Auditor's current tax list. *The office of the Board will execute all forms, including individual and legal notices, necessary for the processing of an application.*

Hearings are held by the Board of Zoning Appeals in Room 805 of the County Administration Building, located at 138 East Court Street, Cincinnati, Ohio 45202

All complete applications shall include the following information. *Please submit this checklist with your application.*

1. THE LETTER (Please provide 1 copy)

An explicit typewritten statement addressed to the Board of Zoning Appeals, setting forth the following:

_____ The location and size of the property

_____ A clear and accurate description of the proposed construction or use of the property

_____ State clearly the reasons why the conditional use is compatible with and will have no adverse impact on the land uses permitted in the district in which it is located

_____ State clearly the extent of additional protection from adverse impacts afforded to the adjacent property owners including protection from aesthetic , lighting, traffic, noise, and other issues

2. THE SITE PLAN (Please provide 14 copies)

The site plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information.

_____ Surveyor's Seal (*Required for all new dwellings, residential additions over 600 sq. ft., residential additions less than 10' from a property line and all commercial buildings.*)

_____ Name of person(s) preparing the plan

_____ Title, name of owner & name of builder

_____ North Arrow (North to top of plan)

_____ Property lines, property dimensions, street name(s), right-of-ways, site size

_____ Intensity in terms of Impervious Surface Ratio (ISR) calculations for all non-residential applications or density in terms of dwelling units per acre for residential applications

- _____ Existing and proposed buildings & other structures including the use of each structure
- _____ Distance from structures to property lines
- _____ Paving, parking areas, driveways, walks etc.
- _____ Parking space, aisle & drive dimensions & parking analysis
- _____ Identify land uses on parcels adjoining the proposed site and within the surrounding neighborhood
- _____ Streetscape & boundary buffer yards & interior landscape areas
- _____ Existing & proposed grades and flood plains
- _____ Easements & purpose of easements

Note: Modification or changes to the plats and or plans approved by the Board are subject to review by the Board and a new case could be required by the Board or the Board's Administrator.

3. THE LANDSCAPE & LIGHTING PLAN (Please provide 14 copies)

The landscape plan shall be drawn to scale of not less than 1 inch equals 50' and shall contain the following information. A landscape plan is not required for single family dwellings and similar uses not subject to buffering and landscape standards but when required for other uses shall contain the following information.

- _____ Landscape Architects Seal or plants selected from Appendix A-2 "Recommended Plant List"
- _____ Streetscape buffer yard width & location
- _____ Boundary buffer yard(s) width & location
- _____ Interior landscape areas width & location
- _____ Detailed schedule of planting materials including type, caliper and location within each yard or area
- _____ Location of any exterior light fixtures or poles

4. THE STRUCTURAL DRAWING – Provide two (2) reduced sets of elevation drawings w/architectural treatments.

5. THE APPLICATIONS – Complete one (1) copy each of the attached BZA application forms.

6. THE FEE \$ _____ + Legal Advertisement

An application fee is required when the appeal is filed. Contact the Board of Zoning Appeals at 946-4502 for additional information. (All fees are nonrefundable and must be made payable to the Board of Zoning Appeals.)

Checklist Name _____
 Prepared by: Address _____
 Phone _____ E-Mail _____
 Date _____